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*Teri Muir*

Date

12-17-01

**PETITION FOR CORRECTION OF  
FILING DATE UNDER 37 CFR § 1.182**

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket Number

PLAX002CON

First Named Inventor

Howard Preissman

Application Number

09/828,539

Filing Date

April 5, 2001

Patent Number

Issue Date

Title

Enhanced Visibility  
Materials for Implantation  
in Hard Tissue

Sir:

This is a Petition to correct the filing date indicated for the present patent application. A corrected filing date and filing receipt is hereby requested.

This petition is made pursuant to a communication furnished by the United State Patent Office to a Request for Corrected Filing Receipt submitted by Applicant on August 24, 2001 in effort to obtain a filing receipt that reflects the proper filing date for the application of the April 5, 2001, not April 4, 2001. A copy of the United State Patent Office communication is attached. Also attached is a copy of the Express Mail receipt and a copy of the Transmittal for the present application. The date-in section of the mail receipt was filled out in error to indicate April 4, 2001. See instead the date stamp thereon and dated signatures on the application Transmittal that indicate April 5, 2001 is the proper filing date.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.182 which may be required by this paper to Deposit Account No. 50-0815.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

By:

*Frank P. Becking*  
Frank P. Becking  
Registration No. 42,309

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Fax: (650) 327-3231

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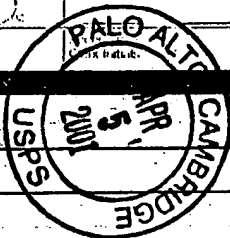
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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Attorney Docket No. 361722000201

First Inventor Howard PREISSMAN

Title

ENHANCED VISIBILITY MATERIALS FOR IMPLANTATION IN HARD TISSUE

Express Mail Label No. EM056842727US

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Date of Deposit: April 5, 2001

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Tamara Venegas

APPLICATION ELEMENTS

See MPEP chapter 800 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 16]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the invention  
- Brief Summary of the invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 2]
5. ☒ Oath or Declaration [Total Pages 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76 - 2 pages

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. ☐ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (where there is an assignee) ☐ Power of Attorney
11. ☐ English Translation document (if applicable)
12. ☐ Information Disclosure Statement (IDS/PTO-1449) ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment - 2 pages
14. ☒ Return Receipt Postcard (MPEP 503)  
Should be specifically itemized
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation

☐ Divisional

☐ Continuation-in-part (CIP)

of prior application No: 09/420,093 filed October 18, 1999

Prior application information:

Examiner C. Koh

Group / Art Unit: 3738

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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Name Frank P. Becking, Morrison & Foerster LLP

Address 755 Page Mill Road

City Palo Alto

State California

Zip Code 94304

Country U.S.A.

Telephone (650) 813-5777

Fax (650) 494-0792

Name (Print Type)

Frank P. Becking

Registration No. (Attorney/Agent)

42,309

Signature

Frank P. Becking

Date April 5, 2001



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09828539	04/04/01	Howard Preissman	361722000201

Frank P. Becking  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, CA 94304

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Morrison & Foerster, LLP  
Palo Alto

Date Mailed: 11/28/01

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Application Filing Date

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:



If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.



A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.



The "date in" on the Express Mail label is the date given on the Filing Receipt.



The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).



Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.



The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

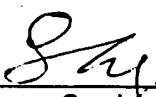
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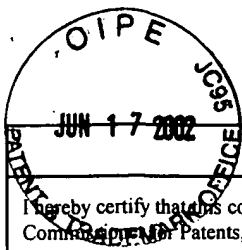
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A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, should be directed to:

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Typed or Printed Name	Teri Muir		
Signature	<i>Teri Muir</i>	Date	6-11-02
<b>RENEWED PETITION UNDER 37 C.F.R. § 1.10(c)</b>  Address to: Commissioner for Patents Washington, D.C. 20231	Attorney Docket	PALX-002CON	
	First Named Inventor	Howard Preissman	
	Application Number	09/828,539	
	Confirmation No.	9912	
	Filing Date	April 5, 2001	
	Group Art Unit	3738	
	Examiner Name	N/A	
Title	<i>Enhanced Visibility Materials for Implantation in Hard Tissue</i>		

Sir:

Per discussion with Mr. Ledford by telephone on May 28, 2002 at the Office of Petitions, attached is a copy of the originally submitted Petition in the above referenced application. As indicated in the referenced telephone conversation, the relevant certificate of mailing in the present application bears receipt No. EM 056842727 US as indicated by the enclosed Utility Patent Application Transmittal. Accordingly, as per the date-in stamp of that paper, Applicant request that the filing date of the present application be corrected to the proper date of April 5, 2001.

No fee is believed to be required for filing this Renewal Petition. If, however, the PTO finds that for some reason a fee is due, our Deposit Account No. 50-0815 may be charged therefore.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 6/11/02

By:

*Frank P. Becking*  
Frank P. Becking  
Registration No. 42,309

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

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